



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

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LAW DEPARTMENT
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W. Simone Nicholson
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December 2, 2022

VIA ECF

Hon. Lewis J. Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: M.T., et. al. v. N.Y.C Dep’t of Educ., et al., No. 22-cv-5915(LJL)(SN)

Dear Judge Liman:

I am Special Assistant Corporation Counsel in the office of Corporation Counsel, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants in the matter referenced above, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act 20 U.S.C. §1400, *et. seq.* ("IDEA"), as well as for this action.

The parties have conferred and respectfully make the following applications:

1.) Plaintiff has advised Defendants that, after Defendants answer, Plaintiff file an amended complaint, as of right, no later than December 9, 2022 to add a claim for fees incurred for work related to another IDEA administrative hearing for an additional school year. To avoid having to separately respond to two complaints, Defendants respectfully request an additional 45 days from filing, to respond to the amended complaint. This will give Plaintiff enough time to provide the additional billing invoices, and for Defendants to review the underlying administrative record and seek settlement authority. Defendants note that the Order issued September 13, 2022 (ECF 13) stated that no further extensions to answer would be granted. Defendants now respectfully request one further extension, due to the change in case status and in the interest of efficiency;

2.) Adjournment *sine die* of the initial pretrial conference ("IPC") scheduled for December 12, 2022 (ECF 13) and the attendant deadline for the submission of a Case Management Plan ("CMP"). Since this case only involves a claim for reasonable attorneys' fees, there is no need for discovery, nor is liability at issue. Therefore, the parties have agreed that a conference is unnecessary at this time, and intend to work towards a resolution through settlement. This office settles 95% of the claims commenced against the N.Y.C. Department of Education, and is hopeful that this case will follow the same course;

3.) Permission to submit a joint letter by January 16, 2023 advising the Court on the status of settlement negotiations, or in the alternative, proposing a briefing schedule if the parties have determined that further settlement discussions will be fruitless.

Accordingly, Defendant respectfully requests that the Court accept this submission, grant Plaintiff's request to file an amended complaint, extend the Defendants' time to answer the amended complaint to January 23, 2023, adjourn the pending IPC and CMP *sine die*, and permit the parties to file a joint status letter by January 16, 2023.

Thank you for considering these requests.

Respectfully submitted,

Simone Nicholson

/s/ W. Simone Nicholson

Special Assistant Corporation Counsel

cc: Erin O'Connor, *Of Counsel* (via ECF)

ORDER: The Court grants Plaintiff's request to file an amended complaint and to extend the Defendants' time to answer the amended complaint to January 23, 2023. The parties are also directed to file a joint status letter by January 16, 2023. The request to adjourn the pending IPTC is granted in part and denied in part. The IPTC is rescheduled to March 6, 2023 at 11am. Parties are directed to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101.

Date: 12/5/2022

SO ORDERED.



LEWIS J. LIMAN
United States District Judge